

**GENERAL SESSION
HAZARDOUS WASTE MANAGEMENT COMMISSION (HWMC)**

February 1, 2006

9:00 A.M.

1738 East Elm

**Bennett Springs Conference Room
Jefferson City, MO 65101**

COMMISSIONERS PRESENT

Patrick Gleason, Chairman
Tim Warren, Vice-Chairman
Norella Huggins
Derrick Standley
Ben Kessler (absent)
Susan Williamson (absent)

CALL TO ORDER

Patrick Gleason, HWMC Chairman, called the General Session to order at 9:00 A.M.

EXECUTIVE SESSION

Motion to go into closed session was made by Commissioner Warren and seconded by Commissioner Huggins. The roll call vote was as follows:

Patrick Gleason, Chairman	Yes
Tim Warren	Yes
Norella Huggins	Yes
Derrick Standley	Yes

Motion carried.

APPROVAL OF MINUTES

Motion was made by Commissioner Warren and seconded by Commissioner Huggins to approve the December 9, 2005, General Session Minutes as corrected. The corrections were to the statement regarding the PSTIF presentation (pg. 4) and changing the name of one of the participants in the E-waste Framing Committee from Commissioner Huggins to Commissioner Kessler (pg. 5)

Motion carried.

ADOPTION OF PROPOSED RULES FOR THE DRYCLEANING ENVIRONMENTAL
RESPONSE TRUST FUND

Mr. Scott Huckstep, Interim DERT Fund Unit Chief, and Mr. Ken Koon, Tanks Section Chief, briefing discussed the schedule(past, present, and future) for the rulemaking. Mr. Huckstep answered a question from Commissioner Warren regarding being on schedule.

Motion was made by Commissioner Huggins and seconded by Commissioner Warren to approve the Orders of Rulemaking for the DERT Fund rules 10 CSR 25-17.010 through 10 CSR 25-17.170.

Commissioner Huggins noted that this rule had been promulgated previously.

Motion carried.

REQUEST TO REFER RIVERVIEW GARDENS SCHOOL DISTRICT (ST0002114) TO THE
AGO IN ORDER TO COMPEL COMPLIANCE AND PURSUE OR NEGOTIATE A CIVIL
PENALTY

Angela Oravetz, Compliance/Enforcement Section, gave a brief history and updated information on the status of Riverview Gardens School District's application for reinstatement of FR. The facility has received their policy from PSTIF and paid their suspended penalty. The department is no longer requesting this facility be referred.

REQUEST TO REFER KWIK PANTRY #1 (ST0003892) TO THE AGO IN ORDER TO
COMPEL COMPLIANCE AND PURSUE OR NEGOTIATE A CIVIL PENALTY

Angela Oravetz, Compliance/Enforcement Section, gave a brief history and answered questions from the Commissioners on the status of Kwik Pantry #1. At the time of referral to the Compliance/Enforcement Section there were five outstanding violations, three of which have been resolved.

Mr. Lutteffur Chaudhry, owner of Kwik Pantry #1, gave testimony to his efforts to bring the facility into compliance and answered questions from the Commissioners regarding his efforts, timeframe to obtain FR, length of time of ownership by current owner, and manual record keeping.

Motion was made by Commissioner Huggins and seconded by Commissioner Standley to refer Kwik Pantry #1 to the AGO to compel compliance and pursue or negotiate a civil penalty.

Motion carried.

REQUEST TO REFER FAIRGROUNDS MARKET (ST0012389) TO THE AGO IN ORDER
TO COMPEL COMPLIANCE AND PURSUE OR NEGOTIATE A CIVIL PENALTY

Angela Oravetz, Compliance/Enforcement Section, gave a brief history and answered questions from the Commissioners on the status of Fairground Market application for Financial Responsibility. The facility currently has an application on file with PSTIF. Ms. Carol Eighmey confirmed the application is on file, but all records have not been received.

Motion was made by Commissioner Warren and seconded by Commissioner Huggins to refer Fairgrounds Market to the AGO to compel compliance and pursue or negotiate a civil penalty.

Motion carried.

ELECTRONIC WASTE STAKEHOLDERS WORK GROUP UPDATE

Mike Menneke, Compliance/Enforcement Section, gave a brief summary of the first Framing Committee meeting, while outlining the goals of the first E-waste Stakeholders Work Group meeting. He also identified future meetings.

Mr. Robert Geller, HWP Director, offered to give an update to the HWMC for the duration of 2006.

FINDING OF NECESSITY

Tim Eiken, HWP Rule Coordinator, gave a brief description of the Finding of Necessity and answered questions from the Commissioners regarding the delay in incorporating the federal rules for five years and if this will get us “caught up.” Mr. Eiken explained the delay and noted that this will get us caught up to 2004.

Motion was made by Commissioner Huggins and seconded by Commissioner Standley to adopt the Finding of Necessity that the proposed amendments to incorporate by reference changes to the Code of Federal Regulations through July, 1, 2004, are necessary to carry out the commission’s rulemaking authority and that the department proceed with the filing of the proposed rule package with the Secretary of State.

Motion passed.

Mr. Eiken presented a signature sheet for the Commissioner’s to certify that what is being proposed is necessary to fulfill the purposes of the rulemaking statute – Section 260.370.

RULEMAKING UPDATE

Tim Eiken, HWP Rule Coordinator, provided a brief history and answered questions from the Commissioners regarding pending rulemakings:

- Adopt by Reference the Changes to the Code of Federal Regulations thru July 2004 Uniform Manifest
- Drycleaning Environmental Response Trust Fund

MONTHLY REPORTS

Robert Geller, HWP Director, briefly noted the Monthly Reports. He brought to attention the fact that Dave Mosby, Superfund Section, will be leaving the HWP and he also noted that Tom Judge’s was honored as the State Employee of the Month.

PUBLIC INQUIRIES OR ISSUES

- Robert Geller indicated he had one request from Mr. John Faletto and Mr. Chuck Moeser, DaimlerChrysler, requesting to speak at this meeting.

Ms. Shelley Woods, AGO, cautioned the Commission regarding using “Other Business” to discuss items that are routinely listed on the agenda to ensure the public remains apprised of the issues. Although the variance request from DaimlerChrysler was not listed, Ms. Woods agreed it was appropriate to be addressed by the Commission.

Ms. Woods quoted the statute that outlines how to obtain a variance.

Mr. Faletto introduced Mr. Chuck Moeser, Senior Manager for Industrial Waste Compliance with DaimlerChrysler. He is responsible for ensuring compliance with the Hazardous Waste Management standards at all of Chrysler’s facilities, including the St. Louis Assembly Complex.

Mr. Faletto noted their interest in the Finding of Necessity addressed earlier is regarding the NESHAP regulation. He also clarified the statutory criteria concerning their variance petition.

Mr. Chuck Moeser noted his appreciation for the department’s and Commission’s assistance thus far with the variance petition.

Chairman Gleason asked about the current variance expiration date. Mr. Tom Judge, Compliance/Enforcement Section, noted that the current variance is expired, but they were given a letter that we consider them in compliance until the Commission has a final resolution of the variance petition.

- Mr. Judge noted that the possibility of a hearing does exist and if so, the variance would be delayed. The public notice expires February 12 and no comments have been received to date.
- Mr. Roger Walker, REGFORM Executive Director, introduced himself and noted that HWP staff held an impromptu meeting and provided helpful information and status of various issues.
- Mr. Rob Morrison, Permits Section Chief, gave a brief update of the Senate Bill 862 - Uniform Environmental Covenants Act (UECA). He also addressed Senate Bill 925 – technical corrections to Senate Bill 225.

Commissioner Huggins noted her support for the UECA.

Motion was made by Commissioner Huggins and seconded by Commissioner Standley for the HWMC to support the passage of Senate Bill 862.

Motion passed.

- Mr. Scott Totten, Chief Ombudsman, gave a brief update of the Ombudsman program and the vision to work more proactively on problems and engage businesses/communities. He addressed the reports, training modules, and surveys being used.

OTHER BUSINESS

- Mr. Dennis Stinson, Superfund Section Chief, distributed copies of the 2005 Registry to the Commissioners and those in attendance.
- Commissioner Huggins read the following statement to the Commissioners:

“Since the withdrawal of a significant amount of PSTIF funds for FY2006, all of DNR's 16 tank inspectors had to be let go. No regulatory tank inspections have been performed by the agency since July 1, 2005. Consequently, EPA entered the state to perform regulatory inspections and enforcement.

In Missouri, fees on regulated materials and entities pay for regulation. In the case of tanks, PSTIF collects those fees and has provided funds for DNR's regulatory inspections in the past.

I concur with DNR's general counsel's opinion that DNR cannot legally do what PSTIF has called for, that is, to make PSTIF, in effect, the regulatory agency for procuring regulatory inspections.

There is at least one reasonable solution to the inspection problem: DNR and PSTIF could co-contract with an inspection company. DNR would have to set the regulatory inspections protocol, but that would add only minimal cost to the insurance inspections that PSTIF is currently contracting for.

This solution would allow each agency to fulfill its unique statutory responsibility, bring the DNR tanks unit once more into compliance with its EPA-approved program and allow EPA to withdraw its inspectors from the state.”

- Chairman Gleason added that it is really important for the state to become compliant with their program on underground storage tanks and federal compliance standards.

FUTURE MEETINGS

Chairman Gleason noted that the next HWMC meeting is scheduled for April 20, 2006, in Jefferson City.

ADJOURNMENT

Motion to adjourn was made by Commissioner Huggins and seconded by Commissioner Standley.

Motion carried and the meeting was adjourned.

Respectfully Submitted,

Judith Clark, Commission Secretary

APPROVED

Patrick Gleason, Chairman

Date